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# VIRGINIA LAW REGISTER

R. T. W. DUKE, JR., EDITOR.

A. R. MICHIE AND FRANK MOORE, ASSOCIATE EDITORS.

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We had hoped before this issue went to press to be able to give a detailed program of the Virginia State Bar Association, which meets at the Hot Springs on the 7th, 8th and 9th of

## **The State Bar Association.**

August, as we are informed, but have not received it from the proper authorities. The annual address will be delivered by Mr. Justice Brewer of the Supreme Court of the United States, and we have no doubt that an entertaining and useful program will be ready for the members when they assemble. The meetings at the Hot Springs have always been well attended and we have no doubt that this meeting will prove as pleasant as those which have preceded it. It is to be greatly hoped that there will be a large attendance at this meeting. Nothing is of greater benefit to the legal fraternity than the rubbing of elbows—not to speak of brains—which takes place at these annual meetings.

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The Oklahoma Law Journal has received the first number of volume 12 of the VIRGINIA LAW REGISTER. From it we learn that this representative magazine has changed editors and is in

## **Concerning the Present Editor.**

charge of R. T. W. Duke, Jr., who has succeeded the well known and able law writer, John G. Pollard. In glancing over this well-printed law journal the reader is at once impressed with its contents and the clear and perspicuous manner in which every topic is treated and the self-evident residuary abundance of legal knowledge possessed by its new editor. We congratulate the publishers, extend a hearty welcome to its learned editor and sincerely recommend the REGISTER to the favorable recognition of all admirers of standard legal literature.—*Oklahoma Law Journal.*

The policy of the law is, or should be, to encourage matrimony, and make it as easy as possible to put on, so long as the methods provided for celebrating the marriage do not contravene the good morals of the community. But the situation in Virginia is, indeed, strange, granting this **Celebration of Marriage.** to be our policy too. Our supreme court, in an evil hour, decided *unanimously*, that common-law marriages were absolutely void, and the statute vests the power to perform the ceremony solely in ordained ministers, except as provided by § 2220. With what result! Just this! That upon the refusal of the minister to perform the ceremony, which it seems he may do arbitrarily, it becomes necessary to petition the court to act under § 2220, and appoint some person to celebrate the rites. Suppose the judge can not be reached. Then the parties must wait, it would seem, and if it happens to be a run-away couple, waiting over night might damage the reputation of the prospective bride.

So the path to the hymeneal altar, instead of being strewn with roses, is often beset with difficulties. We refer, of course, to the prejudice that some ministers of the gospel have against marrying divorced persons. "Marriage made easy" is a matter that should engage the attention of the legislature at the next session.

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We hope that the legislature, at its next session, will amend subsection 24, of § 1294d, by striking out the words "upon the same level." The injustice worked by this statute has already been demonstrated by a recent decision.

**Warning Signals at Crossings.** At common law, the duty to sound warnings when trains approach a trestle over a highway depends upon the dangerous character of the place, and upon whether there is danger of catching a traveler thereunder unawares, and frightening the horse that he is riding or driving, and the question of negligence in failing to perform such duty is left to the determination of the jury. This common-law rule is very much more just than the one prescribed by the statute.